

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

EULALIA RODRIGUEZ,
Plaintiff.

-v-

ROSE M. SINGER CENTER, ET ANO,
Defendants.

Case No. 07-cv-03988 (RJS)

ORDER

RICHARD J. SULLIVAN, District Judge:

This case was been reassigned to my docket on September 4, 2007. The pro-se complaint in the above-entitled action was filed on February 22, 2007. On August 16, 2007, the U.S. Marshal's Process Receipt and Return of Service was filed with the Clerk of the Court, unexecuted as to defendant Officer C.Q. Straker.

On September 20, 2007, the Court received a letter from Jessica T. Cohen, Esq., on behalf of both defendants, advising the Court that they believe they were not served properly and that they would not be answering the Complaint because they were not properly served.

On October 12, 2007, the Court issued an order directing the Plaintiff to contact the Pro Se office for assistance in prosecuting this case. To date, an affidavit of service of the summons and complaint has not been filed with the Clerk of the Court. The time within which the Plaintiff has to serve the complaint without further leave of the Court has expired.

The Plaintiff is hereby Ordered to Show Cause on March 24, 2008 at 4:15pm in the United States District Court for the Southern District of New York located at 500 Pearl Street, New York, New York 10007, Courtroom 21C, why this case should not be dismissed for failure to prosecute, pursuant to rule 41(a) of the Federal Rules of Civil Procedure. Plaintiff is advised that failure to appear or otherwise notify this Court, may result in the dismissal of this action.

Dated: March 5, 2008
New York, New York


RICHARD J. SULLIVAN
UNITED STATES DISTRICT JUDGE

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